**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.493 OF 2005.**

**WITH**

**CIVIL APPLICATION NO.494 OF 2005.**

**IN**

**SECOND APPEAL NO.540 OF 2004.**

Maruti Sajan Mhatre : Applicant.

versus

Anant Vishnu Patil & ors. : Respondents.

Miss Gauri Godse for the applicant.

**CORAM : D.G.DESHPANDE,J.**

**DATED : 22nd September 2005.**

**ORAL ORDER**

1. So far as Civil Application No.493 of 2005 is concerned, it is filed by the appellant to amend the cause title of the second appeal. Respondent No.17 is dead. His legal heir is already on record as Respondent No.38. It is a

choice of the appellant, whether to proceed against a particular person or respondent and, therefore, if Respondent No.17 is dead and his legal heir is on record as Respondent NO.38, there cannot be any objection. Therefore, no notice of this civil application is required. Hence the civil application is allowed. Amendment to be carried out within two weeks from today.

2. So far as civil application No.494 of 2005 is concerned, issue notice, returnable four weeks.

**[D.G.DESHPANDE,J]**